

1 THE HONORABLE JAMES L. ROBART  
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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9  
10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 CITY OF SEATTLE,  
14 Defendant.  
15

No. 2:12-cv-01282-JLR

**DECLARATION OF CHRISTINA FOGG IN  
SUPPORT OF THE UNITED STATES'  
RESPONSE TO THE MAY 21, 2019 ORDER**

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17 I, Christina Fogg, declare as follows:  
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19 1. I am an Assistant U.S. Attorney for the Western District of Washington and I am  
20 counsel of record for the Plaintiff United States of America in the above-captioned matter. I am  
21 over the age of 18 and am competent to testify in court about the matters stated herein.  
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23 2. On March 21, 2019, I attended SPD's Defensive Tactics training course, along  
24 with representatives from the Monitoring Team. The training course involved hands-on  
25 instruction to SPD officers on appropriate uses of force and tactics for facilitating such  
26 encounters as arrests of resistant subjects. The training also included instruction regarding  
27 placement of a handcuffed subject into a patrol car. At no point during the training did any  
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instructor state or in any way suggest that counter-assaultive measures are always necessary when addressing an assaultive subject.

3. In follow up to the Defensive Tactics training, DOJ requested and received the written materials that are used in the classroom portion of this training. Attached as **Exhibit A** is a true and correct copy of the relevant portions of SPD's 2019 Operational Update provided to the U.S. Attorney's Office by the City of Seattle Attorney's Office. The statements contained in the Operational Update concerning Defensive Tactics are consistent with the current, Court-approved use of force policy found at Policy 8.200 #6, which became effective on January 19, 2019.

4. Based on my personal observations of SPD's Defensive Tactics training course and a review of the relevant training materials from the 2019 Operational Update, I can state that all instruction provided during this training was consistent with SPD's Court-approved use of force policies.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 15<sup>th</sup> day of August, 2019.

Respectfully submitted,

BRIAN T. MORAN  
United States Attorney

s/ Christina Fogg  
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DECLARATION OF CHRISTINA FOGG  
Case No. 2:12-cv-01282-JLR - 2

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## **CERTIFICATE OF SERVICE**

I hereby certify that on August 15, 2019, I have electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorneys of record:

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DATED this 15<sup>th</sup> day of August, 2019.

s/ Brittany Cirineo  
Brittany Cirineo, Legal Assistant (Contractor)